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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION (NAF),

Plaintiff,

v.

THE CENTER FOR MEDICAL PROGRESS,
BIOMAX PROCUREMENT SERVICES LLC,
DAVID DALEIDEN (aka "ROBERT SARKIS"),
and TROY NEWMAN,

Defendants.

Case No. 3:15-cv-3522

Judge: Hon. William H. Orrick, III

**STIPULATION AND
[PROPOSED] ORDER TO
EXTEND NATIONAL ABORTION
FEDERATION (NAF)'S
DEADLINE TO CHALLENGE
STATE SUBPOENAS**

Date Action Filed: July 31, 2015
Trial Date:

1 Pursuant to Local Rules 7-1(a)(5) and 7-12 and Federal Rule of Civil Procedure 15,
 2 National Abortion Federation (“NAF” or “Plaintiff”) and Defendants Center for Medical
 3 Progress, Biomax Procurement Services, LLC, David Daleiden (collectively, “CMP Defendants”)
 4 and Troy Newman (collectively, “Defendants”), file this stipulation to extend NAF’s deadline to
 5 challenge subpoenas issued by the Arizona Attorney General and Louisiana Inspector General to
 6 CMP:

7 WHEREAS, on December 15, 2015, the parties stipulated to extend NAF’s deadline to
 8 either: (1) complete its meet-and-confer discussions with the Arizona Attorney General and/or the
 9 Louisiana Inspector General; or (2) initiate litigation concerning the subpoenas from December
 10 18, 2015 to January 19, 2016 (Dkt. 300);

11 WHEREAS, the parties also stipulated that “no audio or video footage, documents, or any
 12 other material covered by this Court’s Temporary Restraining Order, as modified by the Court,
 13 may be produced in response to the subpoenas issued by the Arizona Attorney General and
 14 Louisiana Inspector General unless and until: (1) NAF and representatives of either or both the
 15 Arizona Attorney General and Louisiana Inspector General reach agreement concerning the
 16 scope, terms, and conditions of any production in response to their respective subpoenas. An
 17 agreement with one state does not authorize a response with respect to the other state; or (2) If
 18 NAF initiates litigation in accordance with Paragraph 1 above, disputes concerning the particular
 19 subpoena are resolved by the court in which that litigation is filed.” *Id.*

20 WHEREAS, the Court granted the parties’ stipulation on December 17, 2015 (Dkt. 302);

21 WHEREAS, it is in the best interests of the Court and the parties to extend NAF’s
 22 deadline to reach agreement concerning the appropriate scope of a production or initiate litigation
 23 from January 19, 2016 to thirty (30) days after the Court’s ruling on NAF’s motion for
 24 preliminary injunction;

25 WHEREAS, extending this deadline will not impact the existing schedule in this
 26 litigation;

27 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
 28 parties, subject to the approval of the Court, that:

1 1. NAF may have until thirty (30) days after the Court's ruling on NAF's motion for
2 preliminary injunction to either (1) complete its meet-and-confer discussions with the Arizona
3 Attorney General and/or the Louisiana Inspector General, or (2) initiate litigation concerning the
4 subpoenas issued by the Arizona Attorney General and/or Louisiana Inspector General in the
5 appropriate fora.

6 2. No audio or video footage, documents, or any other material covered by this Court's
7 Temporary Restraining Order, as modified by the Court, may be produced in response to the
8 subpoenas issued by the Arizona Attorney General and Louisiana Inspector General unless and
9 until: (1) NAF and representatives of either or both the Arizona Attorney General and Louisiana
10 Inspector General reach agreement concerning the scope, terms, and conditions of any production
11 in response to their respective subpoenas. An agreement with one state does not authorize a
12 response with respect to the other state; or (2) If NAF initiates litigation in accordance with
13 Paragraph 1 above, and disputes concerning the particular subpoena are resolved by the court in
14 which that litigation is filed. In the event that NAF does not reach an agreement or initiate
15 litigation with respect to either or both subpoenas, CMP may respond on the thirty-first day after
16 the Court's ruling on NAF's motion for preliminary injunction to the particular subpoena or
17 subpoenas for which there is no agreement or litigation pending.

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1 Dated: January 11, 2016

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10 By: /s/ Derek F. Foran
11 DEREK F. FORAN

12 *Attorneys for Plaintiff NATIONAL
13 ABORTION FEDERATION (NAF)*

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1 Dated: January 11, 2016

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2 By: /s/ Catherine Short
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18 *Attorneys for Defendant,
19 David Daleiden (aka "Robert Sarkis")*

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2 **ATTESTATION OF E-FILED SIGNATURE**
3

4 I, Derek F. Foran, am the ECF User whose ID and password are being used to file this
5 STIPULATION TO EXTEND NAF'S DEADLINE TO CHALLENGE STATE SUBPOENAS.
6 In compliance with General Order 45, X.B., I hereby attest that Derek Foran, Steven Wood, Erik
7 Zimmerman, and Catherine Short concur in this filing.

8 Dated: January 11, 2016

9
10 _____
11 */s/ Derek F. Foran*
12 DEREK F. FORAN

13 **[PROPOSED] ORDER**
14

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.
16

17 Dated: _____, 2016

18 Honorable William H. Orrick, III
19

20 United States District Court
21